

Anniston, Alabama

February 5, 2019

The City Council of the City of Anniston, Alabama, met in Regular Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Tuesday, February 5, 2019, at approximately 5:38 o'clock p.m.

Jay Jenkins, Councilmen, prayed the Invocation.

Jay Jenkins, Councilmen, led the Pledge of Allegiance to the Flag.

Mayor Draper called the meeting to order. On call of the roll, the following Council Members were found to be present: Council Members Jenkins, Little, Harris, and Draper; absent: Council Member Reddick. A quorum was present and the meeting opened for the transaction of business.

Jay Johnson, City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Jenkins made a motion to waive and approve the minutes from the January 15, 2019 meeting. The motion was seconded by Council Member Harris, and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Little, Harris, and Draper. The motion carried.

Mayor Draper made a motion to approve the agenda. The motion was seconded by Council Member Jenkins, and on call of the roll, the following vote was recorded: ayes: Council Member Jenkins, Little, Harris and Draper; nays: none. The motion carried.

Councilmember David Reddick entered the council chambers at 5:40 p.m.

Wanda Chandler Champion, 2863 Silverrine Road Oxford Al 36203, addressed the council on the Salvation Army Men Shelter closing and asked what they are going to do about it?

Glen Ray, 3514 Dale Hollow Road, addressed the council on racial profiling involving a traffic stop

Sally Clair, 2222 Wilmer Ave, addressed the council wanting to invite them to the dedication to celebrate Pastor McDill.

A woman who did not identify herself, addressed the council that she felt very disrespected by Council member Little's words and him not standing for the pledge.

Nathan Young, 523 Wilmer, addressed the council on the homeless population in Anniston and what they will do once the Salvation Army Shelter closes.

Ben Little, 1003 South Leighton Ave, addressed the council on the remarks made against him by the unidentified woman who spoke previously.

Ralph Bradford addressed the council on the Council-Manager Act form of government

Jay Johnson, City Manager, read and introduced ordinance 19-O-1, An Ordinance declaring surplus real property and authorizing conveyance of the same:

ORDINANCE NO. 19-O-1

AN ORDINANCE DECLARING SURPLUS REAL PROPERTY AND AUTHORIZING CONVEYANCE OF THE SAME

WHEREAS, the City of Anniston does own and possess certain real property located at 1300 Walnut Avenue, Anniston, Alabama 36201, and more specifically described as follows:

See Exhibit A (Legal Description)

Parcel Number: 21-03-06-4-005-063.001 Pin Number: 18889

(referred to herein as the "Property"). WHEREAS, the City of Anniston no longer needs or utilizes the Property for municipal or other public purposes;

WHEREAS, The Water Works and Sewer Board of the City of Anniston, Alabama ("Anniston Water Works") has expressed its desire to purchase the Property for use in connection with its business and operations;

WHEREAS, the Council for the City of Anniston finds that it is in the best interests of the City and its citizens to sell the Property to Anniston Water Works, subject to the terms and conditions set forth below;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Anniston, Alabama as follows:

1. Declaration of Surplus Real Property. It is hereby established and declared that the Property, as described above, is surplus real property that is no longer used or needed by the City for municipal purposes.
2. Conveyance of the Property to Anniston Water Works. The Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City of Anniston, Alabama, a quitclaim deed granting, selling and conveying the Property to Anniston Water Works in consideration of Anniston Water Works' payment of \$107,000.00 Dollars (\$107,000.00), which shall be paid in hand to the City of Anniston, Alabama.
3. Effective Date. This ordinance shall become effective immediately upon its adoption and publication one (1) time in The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama. The City Clerk is hereby ordered and directed to cause a copy of this ordinance to be published one time in said newspaper.

PASSED and ADOPTED on this 5th day of February 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/Jay W. Jenkins, Council Member

By:/s/David E. Reddick, Council Member

By:/s/Benjamin L. Little, Council Member

By:/s/Millie Harris, Council Member

Mayor Draper made a motion for unanimous consent for immediate consideration. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried for unanimous consent for immediate consideration.

Mayor Draper made a motion for passage and adoption of Ordinance 19-O-1. The motion was seconded by Council Member Jenkins and on call of the roll the following the vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Ordinance 19-O-1 was passed and adopted.

Jay Johnson, City Manager, read and introduced Resolution 19-R-5, A Resolution to waive and release nuisance abatement contract:

RESOLUTION NO. 19-R-5

RESOLUTION TO WAIVE AND RELEASE NUISANCE ABATEMENT CONTRACT

WHEREAS, the City of Anniston entered into a Nuisance Abatement Contract with Sammie L. Fears, Sr. on May 18, 2011 (the "Contract");

WHEREAS, pursuant to the Contract, Mr. Fears agreed to pay to the City all costs associated with the City's abatement of the nuisance condition existing on the real property located at 521 South Leighton Avenue (the "Property"), namely the demolition and removal of the unsafe structure(s) on the property;

WHEREAS, upon further examination, the City has determined that Mr. Fears was not financially responsible for payment of the City's costs to abate the nuisance condition on the Property;

WHEREAS, the City desires to relieve Mr. Fears of his obligations under the Contract;

NOW THEREFORE, BE IT RESOLVED by the Council for the City of Anniston, Alabama as follows:

The City hereby releases, waives and forgives Sammie L. Fears, Sr. from any further obligations with respect to the Contract, including any promise, commitment or responsibility to pay the remaining balance owed towards the City's costs to abate the nuisance condition on the Property. The City further releases, waives and forgives any liens and claims against the Property with respect to the City's costs to abate the nuisance condition at issue in the Contract.

PASSED and ADOPTED on this the 5th day of February, 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor
By:/s/Jay W. Jenkins, Council Member
By:/s/David E. Reddick, Council Member
By:/s/Benjamin L. Little, Council Member
By:/s/Millie Harris, Council Member

Council Member Little made a motion for passage and adoption of Resolution 19-R-5. The motion was seconded by Council Member Reddick and on call of the roll the following vote was recorded: ayes:

Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Resolution 19-R-5 was passed and adopted.

Jay Johnson, City Manager, read and introduced Resolution 19-R-6, A Resolution to except Cell Tower Project from ongoing moratorium:

RESOLUTION NO. 19-R-6

RESOLUTION TO EXCEPT CELL TOWER PROJECT FROM ONGOING MORATORIUM

WHEREAS, the Council has previously placed a moratorium on the permitting and construction of macro cell tower facilities within the City of Anniston so as to allow for the development of appropriate land use regulations with respect those facilities in the future;

WHEREAS, AT&T of Alabama desires to place a macro cell tower in North Anniston in the vicinity of Fort McClellan to service the Federal Emergency Management Agency;

WHEREAS, AT&T's FEMA project is related to First Net, which is intended to provide a new high-speed, nationwide broadband network dedicated to public safety;

WHEREAS, the Council finds that AT&T's FEMA project will serve an unique, time sensitive public safety concern and desires to allow the project to proceed to permitting despite the existing moratorium on new macro cell tower facilities;

NOW THEREFORE, BE IT RESOLVED by the Council for the City of Anniston, Alabama as follows:

The Council hereby excepts AT&T of Alabama's FEMA project, as described in the recitals above, from the previously adopted moratorium on the permitting of new macro cell towers within the City of Anniston. The exception granted herein is needed to meet an important, federal public safety concern. Otherwise, the moratorium previously adopted by the Council shall remain in full force in effect and without modification.

PASSED and ADOPTED on this the 5th day of February, 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

Jack Draper, Mayor
Jay W. Jenkins, Council Member
David E. Reddick, Council Member
Benjamin L. Little, Council Member
Millie Harris, Council Member

Mayor Draper made a motion for passage and adoption of Resolution 19-R-6. The motion was seconded by Council Member Reddick and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion passed and Resolution 19-R-6 was passed and adopted.

Jay Johnson, City Manager, read and introduced Resolution 19-R-7, A Resolution approving financing terms with Branch Banking and Trust Company:

RESOLUTION NO. 19-R-7

A RESOLUTION APPROVING FINANCING TERMS WITH BRANCH BANKING AND TRUST COMPANY

WHEREAS: The City of Anniston, Alabama ("City") has previously determined to undertake a project for the purchase of various vehicles and equipment (the "Project"), and the officer of the City responsible for the financial affairs of the City (the "Finance Officer") has now presented a proposal for the financing of such Project.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Anniston, Alabama, as follows:

Section 1. The City hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal (and any amendments) dated January 10, 2019. The amount financed shall not exceed \$475,000.00, annual interest rate (in the absence of default or change in tax status) shall not exceed 3.05%, and the financing term shall not exceed three (3) years from closing.

Section 2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and a Project Fund Agreement as BB&T may request.

Section 3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the document's final form.

Section 4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations under the financing Documents. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

Section 5. The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the Project that is to be financed from the proceeds of the BB&T financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's general fund, or any other City fund related to the Project, for Project costs may be reimbursed from the financing proceeds.

Section 6. The officers of the City and any person or persons designated and authorized by any officer of the City to act in the name and on behalf of the City, or any one or more of them, are authorized to do and perform or cause to be done and performed in the name and on behalf of the City such other acts, to pay or cause to be paid on behalf of the City such related costs and expenses, and to execute and deliver or cause to be executed and delivered in the name and on behalf of the City such other notices, requests, demands, directions, consents, approvals, orders, applications, certificates, agreements, further assurances, or other instruments or communications, under the corporate seal of the City, or otherwise, as they or any of them may deem necessary, advisable, or appropriate in order to (a) complete the plan of financing contemplated by the Financing Documents, (b) carry into effect the intent of the provisions of this resolution and the Financing Documents, and (c) demonstrate the validity

of the Financing Documents, the absence of any pending or threatened litigation with respect to the Financing Documents and the plan of financing contemplated by the Financing Documents, and the exemption of interest on the interest payment obligations under the Financing Documents from federal and State of Alabama income taxation.

Section 7. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

PASSED AND ADOPTED this the 5th day of February, 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/ Jay W. Jenkins, Council Member

By:/s/ David E. Reddick, Council Member

By:/s/ Benjamin L. Little, Council Member

By:/s/ Millie Harris, Council Member

Mayor Draper made a motion for passage and adoption of Resolution 19-R-7. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Resolution 19-R-7 was passed and adopted.

Mayor Draper made a motion to award bid to Crawford's Office Supply for office supplies through percentage off Office Supply catalog pricing (excluding copy paper and ink cartridges) and percentage off New, Scratch and Dent office furniture for a period of one-year periods. The motion was seconded by Council member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Mayor Draper made a motion to award bid to Altec Nueco for the purchase of a Bucket Truck for Public Works in the amount of \$79,900.00. The motion was seconded by Councilmember Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Mayor Draper made a motion to recess into Executive Session to discuss a matter of pending litigation. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the Council recessed into Executive Session to discuss a matter of pending litigation at 6:46 p.m.

Mayor Draper made a motion to reconvene the meeting at 7:04 p.m. to regular session. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the meeting reconvened.

Mayor Draper made a motion to authorize a negotiated settlement with EarthLink Business and EarthLink carrier as to its respective petitions for tax refunds, that settlement amount resulting in three annual payments to the EarthLink entities in the amount of \$361,182.27. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Council Member Jenkins had no comment.

Council Member Reddick had no comment.

Council Member Little stated that there is a bad pothole on 316 Elm Street also a pothole on the North side of Constantine and Hannah next to Greater Calvary Baptist Church.

Council Member Harris urge the people to search for the facts. She wanted to say one thing about the Anniston Police Department; in 2018, the Police Department arrested 1,023 African Americans (45% of arrest population), 1,212 (54% of arrest population). Those facts speak for themselves.

Mayor Draper no comment.

There being no further business to come before the meeting at that time Mayor Draper made a motion the meeting be adjourned. The motion was seconded by Council Member Jenkins; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris, and Draper nays: none. The motion carried and the meeting was adjourned at approximately 7:08 o'clock p.m.